UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK X UNITED STATES OF AMERICA, Case No.: 12-CV-7530 (GBD/JCF) Plaintiff, ٧. NOTICE OF CLAIM PURSUANT **TO SUPPLEMENTAL RULE G(5)** ANY AND ALL FUNDS ON DEPOSIT AT JPMORGAN CHASE ACCOUNT NUMBER 61442003 HELD IN THE NAME OF CIA MINERA AURIFERA SANTA ROSA SA, AKA COMARSA, et al., Defendants in rem. X

PLEASE TAKE NOTICE that by and through his undersigned counsel, Claimant Carlos Alberto Sanchez by this notice makes a claim for certain property subject to the above-captioned proceeding, specifically:

1. Any and all funds on deposit at Bank of America held in the name of Carlos Sanchez Alayo.

Please take further notice that Claimant will rely upon the attached signed Claim pursuant to 18 U.S.C. §983(a)(4)(A) and Supplemental Rule G(5) of the Supplemental Rules for Certain Admiralty or Maritime and Asset Forfeiture Actions in support of its claim to the property, as well as an answer and any other dispositive motions to be filed subsequent to the filing of this Claim as provided by the applicable statutes and rules.

Dated:

February $\overline{2}$, 2013

Respectfully submitted,

PROSKAUER ROSE LLP

Robert I Clare

Eleven Times Square New York, NY 10036

Telephone: (212) 969-3000 Facsimile: (212) 969-2900

Attorney for Carlos Alberto Sanchez Alayo

Claim for Any and All Funds on Deposit and/or Seized from Bank of America in any and all accounts

held in the name of Carlos Sanchez Alayo

I, CARLOS ALBERTO SANCHEZ ALAYO, under penalty of perjury, hereby file this claim

contesting the forfeiture of any and all funds on deposit at Bank of America in any and all

accounts held in the name of Carlos Alberto Sanchez Alayo, identified as defendants-in-rem in

the above-captioned action.

1. I make a claim contesting the forfeiture of any and all funds seized from and/or on

deposit at Bank of America in any and all accounts held in the name of Carlos

Sanchez Alayo, identified in the above-captioned action.

2. I am the owner of these accounts, as well as any and all funds contained therein

and seized therefrom, and am identified as the named accountholder in the

Complaint.

I swear under penalty of perjury, pursuant to the laws of the United States, that the foregoing is

true and correct to the best of my information and belief.

CARLOS ALBERTÓ SANCHEZ ALAYO

Dated: Lima, February 4, 2013

Case 1:12-cv-07530-GBD Document 37 Filed 02/07/13 Page 4 of 4

CERTIFICATE OF SERVICE

I hereby certify that, on February 7, 2013, I caused a true and correct copy of the Notice of Claim to be served via CM/ECF system upon Preet Bharara, United States Attorney for the Southern District of New York, Sarah E. Paul, Assistant United States Attorney, and Paul Monteleoni, Assistant United States Attorney.

/s/ Robert J. Cleary Robert J. Cleary